IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Writ Petition No. 566 of 1992

Shri Bala Anant Ghankutkar
of Bombay Indian Inhabitant
residing temporarily at Chawl No.3
Room No.20, Mukesh Mills Compound
Victoria Bundr Road, Colaba,
Bombay 400 005 ..Petitioner

vs.

1. Estate Manager (V)
Maharashtra Housing Board and
Maharashtra Housing and Area
Development Authority, having
his office at Graha Nirman
Bhavan, Bandra, Bombay 400 051

2. Maharashtra Housing and Area
Development Authority, constituted
under the Maharashtra Housing and
Area Development Act, through its
President having his office at
Griha Nirman Bhavan, Bandra,
Bombay 400 051

3. State of Maharashtra
Mantralaya, Bombay ..Respondents

Mr.D.H.Mehta i/b Divya Shah Associates for petitioner
Ms.Geeta Shashtri, A.G.P. for respondents.

CORAM: A.P.SHAH &
S.J.VAZIFDAR JJ.
14th January,2005

ORAL JUDGMENT: (Per A.P.Shah J.)

1. By this petition under Article 226, the petitioner is seeking a writ of mandamus or writ in the nature of mandamus, or any other appropriate

writ, order or direction, directing the respondent to forthwith allot to the petitioner one tenement in Nehru Nagar, Kurla under S.I.H.Scheme of the Maharashtra Housing Board. In the year 1977 the petitioner had applied to the Maharashtra Housing Board for allotment of a low income housing tenement constructed by the Board and has paid a sum of Rs.75/- towards C.V.deposit. The petitioner claims that his name continues to be shown in the waiting list till date but he has been denied allotment without any reasonable cause and justification. Since the respondents have accepted the deposit made by the petitioner a right has been accrued to him for allotment of a tenement under the said Scheme.

2. On behalf of the respondent Shri S.G.Gautam, Joint Chief Officer, Mumbai Housing and Area Development Board has filed the counter affidavit. It is seen from the counter affidavit that the applications were called for allotment of 480 tenements under Subsidised Industrial Housing Scheme at Nehru Nagar, Kurla (East) in 1971 by advertisement in the local news paper. As the total number of applications were more than 480 tenements those were put in lots and the eligible

candidates were sorted out and after scrutiny 480 tenements were allotted to 480 eligible persons. The process of allotment was started on 16th January, 1971 and completed on 30th November, 1971 whereby the tenement admeasuring 200 sq.ft. each were allotted to 480 eligible persons. It appears that remaining persons were kept on a waiting list but ultimately the scheme was closed and no further allotments were made.

3. We have heard learned Counsel for the parties. The scheme under which the petitioner is claiming allotment of tenement has been closed long back. It is, therefore, not possible to accept the prayer of the petitioner for allotment of the tenement under SIHS scheme. The learned Counsel appearing for the respondents, however, assured the Court that if the petitioner makes a fresh application his case will be considered under the low cost housing schemes floated by the Housing Board and if the petitioner is found eligible he will be allotted a tenement under the scheme subject to payment of costs and charges.

4. The petition is accordingly disposed of with no order as to costs.